



FEDERAL MARITIME COMMISSION

Agency Information Collection Request: 60-Day Public Comment Request

AGENCY: Federal Maritime Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, the Federal Maritime Commission invites comments on the continuing information collection (reinstatement of the information collection with no changes) listed below in this notice.

DATES: Comments must be submitted on (60 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*).

ADDRESSES: You may send comments by the following methods. Please reference the information collection's title and OMB number in your comments.

- *Email:* omd@fmc.gov. Comments should be attached to the email as a Microsoft Word or text-searchable PDF document. Only non-confidential and public versions of confidential comments should be submitted by email.
- *Mail:* Karen V. Gregory, Managing Director, Office of the Managing Director, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573.

FOR FURTHER INFORMATION CONTACT: To obtain additional information, copies of the information collection and instructions, or copies of any comments received, contact Donna Lee, Management Analyst, Office of the Managing Director, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573, (Telephone: (202) 523-5800), dlee@fmc.gov.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Federal Maritime Commission, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing information collection listed in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments. We invite comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Information Collection Open for Comment

Title: 46 CFR Part 535 – Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984

OMB Approval Number: 3072-0045

Abstract: Section 4 of the Shipping Act of 1984, 46 U.S.C. 40301(a)-(c), identifies certain agreements by or among ocean common carriers (carriers) and marine terminal operators (MTOs) that fall within the jurisdiction of that Act. Section 5 of the Act, 46 U.S.C. 40302, requires that carriers and MTOs file those agreements with the Federal Maritime Commission.

Section 6 of the Act, 46 U.S.C. 40304, 40306, and 41307(b)-(d), specifies the Commission actions that may be taken with respect to filed agreements, including requiring the submission of additional information. Section 15 of the Act, 46 U.S.C. 40104, authorizes the Commission to require that carriers and MTOs, among other persons, file periodic or special reports. Requests for additional information and the filing of periodic or special reports are meant to assist the Commission in fulfilling its statutory mandate of overseeing the activities of the ocean transportation industry. These reports are necessary so that the Commission can monitor agreement parties' activities to determine how or if their activities will have an impact on competition.

Current Actions: There are no changes to this information collection, and it is being submitted for reinstatement purposes only.

Type of Review: Reinstatement.

Needs and Uses: The Commission staff uses the information filed by agreement parties to monitor their activities as required by the Shipping Act of 1984. Under the general standard set forth in section 6(g) of the Act, 46 U.S.C. 41307(b)(1), the Commission must determine whether filed agreements are likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost or to substantially lessen competition in the purchasing of certain covered services. If it is shown, based on information collected under this rule, that an agreement is likely to have the foregoing adverse effects, the Commission may bring suit in the U.S. District Court for the District of Columbia to enjoin the operation of that agreement. Other than an agreement filed under section 5 of the Act, the information collected may not be disclosed to the public except as may be relevant to an administrative or judicial proceeding, and disclosure to Congress.

Frequency: This information is collected generally on a quarterly basis or as required under the rules.

Type of Respondents: The types of respondents are ocean common carriers and MTOs subject to the Shipping Act of 1984.

Number of Annual Respondents: The Commission estimates a potential annual respondent universe of 334 entities.

Estimated Time per Response: The approximate range of person hours per response, including preparation and filing, depends on its complexity, presented by category below:

Agreements and amendments not requiring form FMC-150: 6 – 25 hours.

Agreements and amendments requiring form FMC-150: 17 – 137 hours.

Terminations of Agreements: .25 - .5 hours.

Filing of Agreement meeting minutes: 2 – 5 hours.

Filing of Monitoring Reports:

VOCC Rate Discussion Agreements: 71 – 120 hours.

Alliance Agreements: 60 – 155 hours.

Other reporting agreements: 5 – 75 hours.

Total Annual Burden: The Commission estimates the total annual burden at 15,972 hours.

Rachel Dickon,
Secretary.
6731-AA

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